

1 Leo Presiado (SBN 166721)
2 BROWN RUDNICK LLP
2211 Michaelson Drive, 7th Floor
3 Irvine, CA 92612
Tel: (949) 752-7100
Fax: (949) 252-1514
E-mail: lpresiado@brownrudnick.com

4 -and-

5 Sigmund S. Wissner-Gross (*admitted pro hac*
6 *vice*)
7 Jessica N. Meyers (*admitted pro hac vice*)
BROWN RUDNICK LLP
7 Times Square
8 New York, NY 10036
Tel: (212) 209-4800
9 Fax: (212) 209-4801
E-mail: swissner-gross@brownrudnick.com
10 jmeyers@brownrudnick.com

11 *Attorneys for Defendant Bitcoin Suisse AG*

12
13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16)	Master File No. 17-cv-06779-RS
17)	
18	IN RE TEZOS SECURITIES LITIGATION)	DECLARATION OF NIKLAS
19)	NIKOLAJSEN IN SUPPORT OF
20	This document relates to:)	DEFENDANT BITCOIN SUISSE AG'S
21	ALL ACTIONS.)	MOTION TO DISMISS COMPLAINT
22)	FOR LACK OF PERSONAL
)	JURISDICTION AND FAILURE TO
)	STATE A CLAIM

23 I, NIKLAS NIKOLAJSEN, do hereby declare, under penalty of perjury under the laws of
24 the United States of America, that the following is true and correct to the best of my knowledge and
25 belief:
26
27
28

1
2 1. I am the founding partner and co-CEO of Bitcoin Suisse AG (“Bitcoin Suisse”).
3 This declaration is based on my personal knowledge of matters set forth herein, and, if called as a
4 witness I would testify competently thereto.

5 2. Bitcoin Suisse is a licensed financial intermediary incorporated in Switzerland and
6 operating under the laws of Switzerland. Bitcoin Suisse is headquartered in Zug, Switzerland,
7 where its sole offices are located.

8 3. Bitcoin Suisse does not hold any assets in the United States, has no offices or
9 employees in the United States, and conducts no business operations in the United States.
10

11 4. In connection with the alleged Tezos ICO, Bitcoin Suisse acted as a crypto-financial
12 service provider and intermediary through which non-U.S. investors could contribute to the alleged
13 ICO. Bitcoin Suisse had no role in the issuance of any tokens in the alleged Tezos ICO. Bitcoin
14 Suisse facilitated approximately 5% of the total contributions to the alleged Tezos ICO, which
15 closed on or about July 13, 2017.
16

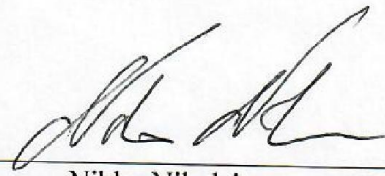
17 5. In connection with the alleged Tezos ICO, Bitcoin Suisse did not solicit any
18 contributions from U.S. citizens. As of June 15, 2017, approximately a month before Bitcoin Suisse
19 settled any funds collected in connection with the alleged Tezos ICO to Tezos Stiftung (the “Tezos
20 Foundation”), Bitcoin Suisse explicitly stated on its website that “Bitcoin Suisse AG (BTCSAG)
21 can no longer accept US clients, be it natural persons or legal entities, as clients for ICOs or wealth
22 management.” See <http://www.bitcoinsuisse.ch/tezos-4/>. As a result, Bitcoin Suisse did not
23 contribute any funds to the Tezos ICO on behalf of any U.S. citizens.
24

25 6. Based on a review of Bitcoin Suisse’s records, Plaintiff is not, and has never been, a
26 customer of Bitcoin Suisse.
27
28

1
2 7. After the closing of the alleged Tezos ICO, Bitcoin Suisse provided certain crypto-
3 financial services, in Switzerland, to the Tezos Foundation, including acting as a co-signatory on
4 crypto-asset transactions.

5 8. All of Bitcoin Suisse's services provided in connection with the Tezos ICO,
6 including those services provided to the Tezos Foundation after the ICO, occurred exclusively in
7 Switzerland.

8 Executed: May 9, 2018
9 Zug, Switzerland

10
11 

12 Niklas Nikolajsen
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28